

## **George Holmes Bixby Memorial Library**

### **Confidentiality of Patron Records**

#### **Fracestown Library protects all patrons' right to privacy.**

Fracestown Library complies with New Hampshire law RSA 201 D: 11 which states that individual library records are confidential and shall only be revealed to the card holder, to someone with the card holder's consent, or disclosed to the extent necessary for the proper operation of the library. The information patrons give the library when applying for a card, even the fact that they are library card holders, is confidential, as are all records of patrons' use of library materials and services.

The law applies to all borrowers, regardless of age.

#### **PROCEDURES/INFORMATION FOR PATRONS**

##### ***What does compliance with this policy mean for patrons and staff?***

While the library cannot share card holder information, patrons do have control over the privacy of their own records. Therefore, patrons who want to give another individual permission to access and use their records, should give permission in writing. Permission is given on the cardholder's application form. If a card is lost, stolen, or being used without consent, the library should be notified immediately.

A new card will be provided and information will no longer be accessible using the old card.

**CHECKOUTS:** Library cards are presented when materials are brought to the circulation desk for checkout. When the transaction is complete, a list of all materials signed out can be given to the patron. These lists should be kept. They are the patron's record of the materials signed out and their due dates.

**MATERIALS ON HOLD:** The library staff can only give out titles of materials on hold to the patron who placed the hold unless written permission has been previously arranged. If a patron plans to have another person pick up held items, that person needs to be identified in the permission. A code will be entered into their patron record indicating permission.

**RENEWALS:** The library staff can only give out titles of materials which need to be renewed to the patron who borrowed them. Materials can be renewed in person, by phone or online.

**OVERDUES AND FINES:** The library staff can only give out titles of overdue materials to the person who borrowed them. Overdue notices will be mailed or e-mailed directly to the patron who borrowed the materials. A patron may pay the fine of another patron, but the library staff will only be able to identify the amount of the fines and the number of items with fines.

**TECHNOLOGY:** Fracestown Library does not retain records of patrons' use of Fracestown Library computers, or of the internet. We remind users, however, that there are confidentiality and privacy issues beyond the library's control which cannot be guaranteed when using e-mail and the internet.

**REFERENCE SERVICES:** Reference services are protected by RSA 202 D: 11 and the Francestown Library's privacy policy.

**CHILDREN AND PRIVACY:** New Hampshire's Library records privacy law (RSA 202 D: 11) protects the privacy of all borrowers, including children, regardless of their age. The records of children who have their own library cards are subject to the same privacy restrictions as the records of adult borrowers, and the library is not able to share those records with others, including parents. (In 2001 and 2003 bills were introduced in the State House to specifically allow the release of minors' records to their parents. Both bills failed.) Parents who want their children to have their own library cards need to know that the library will not be able to share with them information about their child's records, including titles of checkouts, holds, renewals, over dues and fines, and other library services. Patrons do have control over the privacy of their own records, however, and families may make their own decisions about the amount of privacy they wish to maintain within their own families. For instance, parents may decide to hold their children's cards for them, may keep all family members' lists of borrowed materials on the family bulletin board, or may use family members' cards to access the family's patron records via the library's web site. The distinction lies in the difference between what the library staff can legally do and the choices that families are free to make for themselves.

**NH RSA 201-D: 11 Library User Records; Confidentiality**

- I. Library records which contain the names or other personal identifying information regarding the users of public or other than public libraries shall be confidential and shall not be disclosed except as provided in paragraph II. Such records include, but are not limited to, library, information system, and archival records related to the circulation and use of library materials or services.
- II. Records described in paragraph I may be disclosed to the extent necessary for the proper operation of such libraries and shall be disclosed upon request by or consent of the user or pursuant to subpoena, court order, or where otherwise required by statute.
- III. Nothing in this section shall be construed to prohibit any library from releasing statistical information and other data regarding the circulation of use of library materials provided, however, that the identity of the users of such library materials shall be considered confidential and shall not be disclosed to the general public except as provided in paragraph II.

Source. 1989, 184:3, eff. July 21, 1989